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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (s) No. 6411 of 2006

Petitioner		Darbari Ram Dhiwar, S/o Shri Derharam, Aged about 60 years, R/o Village & Post Kanki, Police Station – Kharora, Distt. - Raipur (C.G.).
	Versus	
Respondents	1.	State of Chhattisgarh, Through : Secretary, Water Resources Department, D.K.S. Bhawan, Raipur (C.G.).
	2.	Sub Divisional Officer, Water Management Sub Division No. 5, Kanki, P.S. Kharora, Distt- Raipur (C.G.)

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Shri Virendra Sharma, Advocate for the petitioner.

Smt. Anju Ahuja, Deputy Govt. Advocate for the respondents.

ORDER

(Passed on this 14th day of March, 2007)

1. By this petition, the petitioner, who has worked for more than 23 years as Gangman seeks a relief that the petitioner being permanent gangman be retired at the age of 62 years in accordance with the Chhattisgarh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967 (for short 'the Act, 1967') read with Fundamental Rule (for short 'F.R.') 56.

2. The indisputable facts are that the petitioner was employed as gangman in the year 1983 and he was retired from service w.e.f. 11.10.2006 on attaining the age of 60 years service vide order dated 3.10.2006. According to learned counsel for the petitioner, the petitioner attained the status of permanent employee, as defined under Rule 2(c) of the Chhattisgarh (Workcharged and Contingency Paid Employees) Pension Rules, 1979 (for short 'the Rules, 1979'), framed under Article 309 of the Constitution of India. After having attained the status of the permanent employee the petitioner would retire on attaining the age of 62 years on superannuation under the provisions of the Act, 1967.

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3. Learned counsel appearing for the petitioner would submit that the case of the petitioner is squarely covered by the decision of this Court passed on 4th January, 2007 in W.P. No. 108/2005 (Govind Vs. State of Chhattisgarh & others) and other connected matters.

4. Learned counsel appearing for the respondents/State does not dispute the submissions made by learned counsel for the petitioner.

5. Accordingly, the petitioner, who is permanent gangman, is entitled to retire on attaining the age of 62 years in accordance with the Act, 1967. The petition is accordingly disposed of. No order as to costs.

Consequently, M(W)P No. 4701/2006 stands disposed of.

Sd/-
Satish K. Agnihotri
Judge

Thakur